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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

Ms. J.P., et al.,

Plaintiffs,

v.

MATTHEW G. WHITAKER, et al.,

Defendants.

Case No. 2:18-cv-06081-JAK-SK

Assigned to the Hon. John A. Kronstadt

**RESPONSE TO COURT'S
JANUARY 7, 2019 ORDER**

On January 7, 2019, the Court ordered Defendants to submit a Report that would set forth information pertaining to:

(i) the number of putative class members who remain detained; and

(ii) the number of putative class members who have been released, who have been reunited with their children, and who have departed the United States.

Defendants address both matters below. Consistent with the position that the putative class in this case is coextensive with the class certified in *Ms. L. v. U.S. Immigration and Customs Enforcement*, No. 18cv428 (S.D. Cal.), Defendants' responses draw upon data reflected in the data report filed yesterday in *Ms. L.* Exhibit A.

**I. THE NUMBER OF PUTATIVE CLASS MEMBERS WHO
REMAIN IN CUSTODY AND SEPARATED FROM THEIR
CHILDREN**

Defendants have determined that there are seventeen putative class members who remain in ICE custody and separated from their minor children. Defendants have made that determination by analyzing data maintained for *Ms. L.* by the Office of Refugee Resettlement (ORR). The general methodology that Defendants applied to

1 the *Ms. L.* data has been detailed previously. *See* ECF No. 168-1 (Celentano
2 Declaration). The group of seventeen putative class members includes two critical and
3 distinct subcategories of parents who may be removed in the near future, which may
4 drastically reduce the number of detained putative class members separated from their
5 children to just five people: (1) ten detained individuals requesting removal without
6 their child, and (2) two detained individuals requesting removal with their child, with
7 whom they have not yet been reunified. For these individuals requesting removal, the
8 Government has not yet received the required notice from class counsel in *Ms. L.* as to
9 whether they are opting into the *Ms. L.* class settlement, and thus DHS has not yet
10 effectuated their removal.

11 These numbers are dynamic and continue to change as more reunifications,
12 releases, and removals occur. This data reflects approximate numbers maintained by
13 Defendants as of February 6, 2019. This data does not reflect the possible scenario
14 where a putative class member is detained with their children at Family Residential
15 Centers (FRCs). The Government is working on gathering such data for when it
16 provides the Court with the next recurrent *Ms. L.* report.

17 **II. THE NUMBER OF PUTATIVE CLASS MEMBERS RELEASED,**
18 **MEMBERS REUNITED WITH THEIR CHILDREN, AND**
19 **MEMBERS DEPARTED FROM THE UNITED STATES**

20 Defendants respectfully report that they are unable to provide a fulsome
21 response to the Court's request at this time. While some of the data request is reflected
22 in the latest *Ms. L.* report, further intra- and inter-agency coordination is needed to
23 report the requested information regarding the putative class member parents. *See*
24 Exhibit A at 3 (showing that 2,155 children have been discharged to separated parent
25 and 568 have been discharged under other appropriate circumstances of a total 2,816
26 possible children of potential class members).
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1 Dated: February 7, 2019

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6 By: /s/ Lance L. Jolley
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CERTIFICATE OF SERVICE

I, Lance L. Jolley, on February 7, 2019, caused the foregoing Response to the Court's January 7, 2019 Order to be filed with the Court using the Court's CM/ECF case filing system. Opposing counsel, all registered CM/ECF users, were served via the CM/ECF system

/s/ Lance L. Jolley
LANCE L. JOLLEY